

ADA Title II and Digital Accessibility

Quick facts about the DOJ's rulemaking on web and mobile accessibility

In April 2024, the U.S. Department of Justice (DOJ) issued a new rule under Title II of the Americans with Disabilities Act (ADA), which includes specific digital accessibility requirements for state and local government organizations.

Wondering whether your organization is impacted, and if so, what your compliance obligations are, including mandatory deadlines? We've compiled the most essential information about this regulatory update.



The DOJ's new rule applies to all U.S. state and local government organizations, and has implications for their vendors.

Compliance is required for any organization that is considered part of a state or local government in the U.S., including:

- City, county, and state governments
- Local departments, such as police and fire departments
- Public K-12 schools and public higher education institutions
- Special districts, such as water districts, fire districts, and parks and recreation districts.

The rule also indirectly impacts business-to-business (B2B) and business-to-government (B2G) companies that sell into, or contract with, state and local governments. For example, if you sell a learning management system (LMS) to public K-12 school systems, you'll need to meet the Title II requirements.

State and local governments will be in violation of Title II if they integrate third-party products that are not accessible. To do business with state and local government organizations, vendors will need to obtain proof of product accessibility—typically in the form of a completed VPAT®—or else risk jeopardizing new sales opportunities and existing contracts.

The rule requires that web content and mobile apps conform with WCAG 2.1 Level A and AA, at minimum.

To comply with the rule, state and local government organizations must ensure that all web content and mobile apps they make available to the public conform with the Web Content Accessibility Guidelines (WCAG) Level A and AA. That includes social media posts and public electronic documents, as well as web content and mobile apps procured from third-party organizations.

Certain types of content, including archived content and password-protected documents, are exceptions to the rule.

In specific cases, web content and mobile apps may not be required to conform with WCAG 2.1 Level A and AA. The rule makes exceptions for:



Content that has been archived



Pre-existing conventional electronic documents, unless these documents are currently used by individuals to apply for, access, or participate in a public entity's programs or services



Pre-existing social media content



Password-protected or otherwise secured conventional electronic documents specific to an individual, account, or their property



Content posted by third-party individuals or organizations (unless they are contracted, licensed, or otherwise arranged for by the public entity)

Enforcement will begin either two or three years after April 2024, depending on an organization's size.

State and local government organizations with a population less than or equal to 50,000 and special districts must meet the rule's requirements within three years of its publication in the Federal Register, which took place in April 2024. So, these organizations must meet requirements by April 2027.

Organizations with a population greater than 50,000 have two years to achieve compliance, giving them a deadline of April 2026.

After this two- or three-year period, the rule will be enforced by the DOJ and through private litigation.

Don't wait to take action.

Digital accessibility is a process—and meeting the new Title II requirements won't happen overnight.

If your organization is impacted by this rulemaking, start prioritizing accessibility now. As a first step, consider engaging a third-party solution provider who can equip you with the tools, training, and expertise you need to bring your digital experiences into compliance.



About Level Access

Level Access has 25 years of experience empowering state and local governments and their vendors to create and maintain accessible digital experiences. Our experts will work as an extension of your team, enabling you to meet your accessibility goals through advanced technology, practical training, and unlimited support. If you're planning on selling into organizations covered by ADA Title II, we can also provide you with proof of product accessibility, in the form of a completed VPAT, so you can protect existing contracts and win new ones.

To get started, engage a member of our team today.



[LevelAccess.com](https://www.LevelAccess.com)

info@levelaccess.com

Copyright © Level Access 2024. All Rights Reserved.